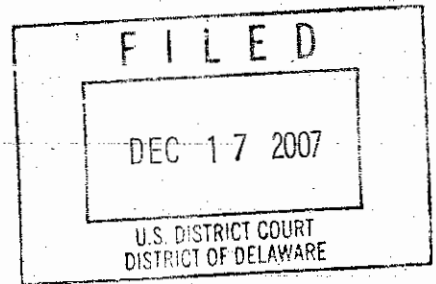


In The United States District Court
For The District Of Delaware



James W. Riley,
Plaintiff,

v.

C.A. No. 06-001-GMS

Stanley Taylor, Thomas Carroll,
David Pierce, Amy Munson,
Medical Assistant Maloney,
Correctional Medical Services &
First Correctional Medical,
Defendants.

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Plaintiff's Motion To Compel The
Defendants To Answer Discovery
Requests

Now comes the Plaintiff, James W. Riley, who moves this Honorable Court to issue an Order upon all the named defendants in the above captioned civil action Compelling them to provide sufficient Responses to Plaintiff's First Set Of Interrogatories and Request For Production Of Documents dated January 21, 2007 & October 15, 2007. In support of this motion, plaintiff states the following:

1. All of plaintiff's discovery requests relates to recent visits with the Delaware Correctional Center doctors under contract with defendant CMS. Plaintiff's

most recent visit with defendant CMS' doctor was on November 20, 2007, at which time a doctor Louise Desrosiers, MD, renewed her previous Order at the August 29, 2007, visit for plaintiff to be examined by an outside Specialist after discovering a large lump and swelling in & outside plaintiff's rectum when initially examined on May 8, 2007, over eight (8) months ago. Plaintiff is attempting to obtain access to these medical records to demonstrate to the Court that the doctors who examined plaintiff have confirmed his medical claims alleged in the original complaint and plaintiff's first Motion For Summary Judgment. These medical records will also confirm that these doctors referred plaintiff to be treated by outside Specialist, but CMS is blocking plaintiff's access to specialized medical care and treatment which is in violation of the recent Settlement Agreement that defendants made with the United States Department of Justice. Plaintiff's discovery requests further seek to obtain the correct names, titles and qualifications of the doctors who recently examined him, for the purpose of filing a subsequent motion to depose of these doctors and other former employees of CMS under oath in pursuant to Rule 30 of the Federal Rules of Civil Procedures and follow-up Second & Third Set of Interrogatories, if needed.

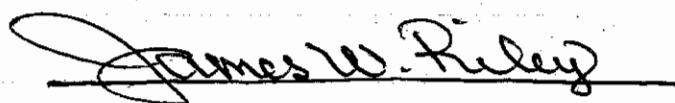
2. In response to plaintiff's discovery requests both the Medical Personnel-defendants and

Prison Official-defendants filed three (3) motions each dated November 15, 2007 and November 20, 2007 respectfully. In their motions, the defendants provided insufficient responses and objections to plaintiff's discovery requests, stating that plaintiff already has the discovery material requested or that the discovery requests are too broad or that the information is contained in the medical records filed under seal.

3. The defendants discovery responses are not adequately supported by the record or the relevancy of the information requested by plaintiff as explained in paragraph 1 above. Likewise, the Medical Staff-defendants failed to serve a complete copy of the medical records filed under seal with court upon the plaintiff. (See CMS' Response To Production Of Documents pertaining to Plaintiff's Request dated October 15, 2007).

Wherefore, this court shall compel all defendants to comply fully with plaintiff's discovery requests within 20-days of Order issued by this Court. The Court shall issue a separate Order directing CMS defendants to provide plaintiff with a copy of the medical records filed under seal with this court by Electronic filing notice on 11/15/07. (See I.D. #82).

DATE: Dec. 13, 2007



Delaware Correctional Center
1181 Paddock Road
Smyrna, Delaware 19977

Certificate of Service

I, James Riley, hereby certify that I have served a true and correct cop(ies) of the attached: Plaintiff's Motion To Compel The Defendants Answer Discovery Requests upon the following parties/person (s):

TO: Daphelia M. Waters
Deputy Attorney General
Department of Justice
820 N. French Street
Wilmington, Delaware
19801

TO: _____

TO: Kevin J. Connors
1220 N. Market St., 5th Fl.
P.O. Box 8888
Wilmington, Delaware
19899-8888

TO: _____

BY PLACING SAME IN A SEALED ENVELOPE and depositing same in the United States Mail at the Delaware Correctional Center, 1181 Paddock Road, Smyrna, DE 19977.

On this 16 day of December, 2007

James Riley